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*Kansas City So. R. Co.*, 143 La. 307, 78 So. 568; *Chafin v. Norfolk, etc., R. Co.*, 80 W. Va. 703, 93 S. E. 822; *Lusk v. Bandy* (Okla.), 184 Pac. 144.

Under the Virginia statute, the amount recovered should be distributed among the beneficiaries as directed by the jury, and if the jury fail to make such distribution, their failure shall be corrected by the trial court at any time before judgment is entered. Va. Code, 1919, § 5788. "The manner in which the damages are to be distributed is no concern of the defendant, and not under the control of the plaintiff." *Baltimore, etc., R. Co. v. Wightman*, 29 Gratt. (Va.) 441; *Norfolk, etc., R. Co. v. Stevens*, *supra*.

**FRAUD—REPRESENTATION INDUCING BAILMENT OF STOLEN GOODS.**—The defendant sent certain goods to the plaintiff, his friend, which he asked the plaintiff to keep for him. The defendant represented the goods as being his own, when in fact they had been stolen. The plaintiff, in ignorance of the theft, kept the goods for some days until the defendant removed them. Later the plaintiff was arrested and prosecuted criminally for theft and receiving stolen goods. He then brought an action for damages against the defendant. Held, the plaintiff may recover. *Habeeb v. Daas*, 181 N. Y. Supp. 392.

It is a settled rule of law that the novelty of an action is never reason for denying a plaintiff relief. *Kujek v. Goldman*, 150 N. Y. 176, 44 N. E. 773, 34 L. R. A. 156, 55 Am. St. Rep. 670.

The generally accepted rule is that fraudulent intent, either actual or constructive, is an essential element in an action for fraud. *Hodgkins v. Dunham*, 10 Cal. App. 690, 103 Pac. 351; *Potts v. Lambie*, 142 N. Y. Supp. 795; *Pridgen v. Long* (N. C.), 98 S. E. 451. However, a person is always held to have intended the reasonable consequences of his acts. Actual injury to the defrauded party need not have been intended, for an action to lie. *Coursey v. Morton*, 132 N. Y. 556, 30 N. E. 231; *Hilligas v. Kuns*, 86 Neb. 68, 124 N. W. 925. And in some States it is held that where a statement purporting to be true is false in fact and injury results therefrom, good faith in making such statement is no defense to an action for fraud. *McNair & Dodd v. Norfleet*, 113 Miss. 611, 74 So. 577; *Weinberg v. Ladd* (Mich.), 165 N. W. 711.

Misrepresentation or deceit which does not cause loss or inflict injury upon the plaintiff is not fraud in a legal sense, and no action thereon will lie. *Desmaris v. People's Gaslight Co.* (N. H.), 107 Atl. 491; *Parks v. Smith* (Ore.), 186 Pac. 552. But fraud need not be the sole cause of loss or injury if it is an essential cause. See *Deyo v. Hudson*, 225 N. Y. 602, 122 N. E. 635. Where a misrepresentation is made without fraudulent intent, and the party responsible offers to correct it so that no damage will result, he is not liable for damages in an action for fraud. *Hawkins v. Edwards*, 117 Va. 311, 84 S. E. 654.

For what constitutes false representation, see 4 VA. LAW REV. 677. For measure of damages in actions for fraud, see 1 VA. LAW REV. 163.

**MALICIOUS PROSECUTION—PROBABLE CAUSE—ADVICE OF COUNSEL.**—Defendant's agent and store manager was informed by trusted employees that